



CHAPTER 10.

An Act to confirm an agreement between Her Majesty in right of Her Province of British Columbia and Frank Owen and William John Stokes, and to incorporate the Cariboo-Omineca Chartered Company.

[*May 20th, 1898.*]

WHEREAS it is expedient that immediate steps be taken for the Preamble.
execution of the works of improvement necessary to render navigation possible between Quesnellemouth, Cariboo District, British Columbia, and North Tacla Lake, Omineca District, British Columbia, viâ the Fraser River, the Lower Nechaco River, the Stewart River, the Tatcher River and Lake, and the Middle River, and it is necessary that regular steamboat communication between the said points be established so soon after the execution of the said works of improvement as possibly may be :

And whereas it is also expedient to procure an exploration of the North Fork of the Fraser River, lying between Fort George and the Giscome Portage, and the establishment between these points of regular steamboat communication if practicable :

And whereas it is also expedient to procure the exploration of the Omineca, Cassiar and Cariboo Districts of British Columbia by a properly equipped and efficient exploring party :

And whereas, subject to the approval of the Legislative Assembly, Her Majesty therein represented by the Honourable the Premier, and the Honourable the Chief Commissioner of Lands and Works, entered into an agreement dated the 25th day of March, A.D. 1898, with Frank Owen, of No. 10, Great College Street, City of Westminster, London, S.W., England, Gentleman, and William John Stokes, of No. 54 and 55,

London Wall, City of London, E.C., England, Merchant, for the purpose of procuring the carrying out of the above recited objects and providing for the incorporation of a company with power to acquire and confirm such agreement, and with other powers :

And whereas it is expedient to approve and confirm the said agreement and to incorporate such a Company :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows :—

Confirmation of agreement of 25th March, 1898.

1. The above-mentioned agreement of the 25th day of March, A. D. 1898, a copy whereof is set out in the Schedule to this Act, is hereby approved and confirmed and declared to be binding upon the parties thereto and the Lieutenant-Governor in Council, and the contractors therein named are hereby respectively authorised and empowered to perform and carry it out, and all rights and powers necessary and expedient to enable them to carry out the said agreement, to grant, take and hold the lands therein mentioned and to avail themselves of the rights, privileges and advantages conferred and created thereby are hereby conferred upon the Lieutenant-Governor in Council and the contractors and the Company therein named.

Incorporation.

2. The said Frank Owen and William John Stokes, together with Robert G. Newman, of No. 4 and 5, Water Lane, London, E.C.; Lord Henry Fitzgerald, of No. 38, Astley Gardens, City of Westminster, London, S.W.; R. Percy Sellon, of No. 4, Chandos Street, London, W., Clement V. Paull, of Bartholomew House, London, E.C.; Hugh Walters, of Warneford Court, London, E.C., and George Whitehead, of No. 23, Bucklersbury, London, E.C., and such other persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate and politic under the name of the “Cariboo-Omineca Chartered Company,” or such other name as the Lieutenant-Governor in Council, upon the request of the Company, may approve and authorise, the said Company by whatever name known being throughout this Act referred to as “the Company.”

Corporate name.

Capital stock, etc.

3. The capital stock of the Company shall be two hundred and fifty thousand pounds sterling, divided into two hundred and fifty thousand shares of one pound sterling each, which shall be applied first to the payment of all costs and expenses incurred in the passing of this Act, and the remainder for the purposes of the Company's undertakings, but the capital stock of the Company may be increased from time to time to any amount if such increase be sanctioned by a vote, in person or by proxy, of shareholders representing not less than two-thirds in value of the subscribed capital of the Company, such

Increase of.

sanction to be given at a meeting called expressly by the Directors for that purpose, by a notice in writing to each shareholder, delivered to him personally, or properly directed to him at his last known place of abode, and deposited in the post office at least fourteen days previously to such meeting, stating the time and place and object of such meeting, and the amount of the proposed increase, and the proceedings of such meeting shall be entered in the minutes of the proceedings of the Company, and thereupon the capital stock may be increased to the amount sanctioned by such vote: Provided that a notice giving the details of such increase be forthwith forwarded to the Registrar of Joint Stock Companies, at the City of Victoria.

4. The shares in the Company shall be transferable in such manner Shares. and upon such conditions and subject to such restrictions as the by-laws of the Company may provide, and such shares may be granted and issued as paid up shares for value received or services rendered to the Company by engineers, contractors and other persons or corporations who have been engaged in promoting the undertaking, or for any other purposes in connection with the interests of the Company, and such shares shall be fully paid up and unassessable thereafter for any purpose. Payment by.

5. The chief place of business of the Company shall be at such place Chief place of business. as the Directors may determine, and the Company may from time to time, by by-law, appoint and fix other places within or beyond the limits of Canada at which the business of the Company may be transacted, and at which the Directors or shareholders may meet when called, as shall be determined by the by-laws.

6. So soon as fifty thousand pounds of the capital stock shall have Directors, election of been bonâ fide subscribed and allotted, the Provisional Directors shall call a meeting of the shareholders of the Company at the place where pursuant to the by-laws meetings of shareholders are to be held, at such time as they shall think proper, giving the notice prescribed by section 7 of this Act, at which meeting the shareholders shall elect such number of Directors as may be fixed by the by-laws, not exceeding fifteen (of whom three shall form a quorum for the transaction of business) who shall hold office until others are elected.

7. At least thirty days' public notice of the first meeting of the shareholders of the Company shall be given in one newspaper published in the place where the meeting is to be held, and by notice in writing to each shareholder, delivered to him personally, or properly directed to him at his last known place of abode, in which notice shall be specified the place and the day and the hour of meeting. Notice of first meeting. The

notice shall be published at least weekly, and a copy of the newspaper containing such notice shall, on production thereof, be evidence of the sufficiency of such notice.

Provisional Directors.

8. The persons named in the second section of this Act, shall be and are hereby constituted Provisional Directors of the Company, and they shall hold office until the first election of Directors under this Act, and until their successors are elected, and shall have power to open share books and procure subscriptions of shares for the Company and to allot the shares, and to receive payments on account of shares subscribed, and to make calls upon subscribers in respect to their shares, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the Company any grant, loan, bonus or gift made to it, and shall also have power to pass and enforce by-laws, rules and regulations under section 10 of this Act, and all such general powers as are vested in ordinary Directors of corporations incorporated under the "Companies' Act, 1897," and may, in their discretion, exclude anyone from subscribing for shares, who, in their judgment would hinder, delay or prevent the Company from proceeding with the completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed the said Provisional Directors shall allocate and apportion it among the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said Directors may in their discretion exclude any one or more of the said subscribers.

Power of, etc.

First annual and other general meetings.

9. The first annual general meeting of the Company shall be held at such time as the Directors of the Company may determine, and all subsequent annual general meetings shall be held at such time as may be prescribed by the by-laws of the Company; and if no other time is prescribed the annual general meeting shall be held on the first Monday of October in each year, at which annual general meetings such number of Directors as may be fixed by the by-laws not exceeding fifteen (of whom three shall form a quorum for the transaction of business) for the management of the Company's affairs shall be elected:

Executive Committee.

(1.) The Board of Directors may appoint from out of their number an Executive Committee for the transaction of any of the business of the Company, with such powers and duties as may be fixed by the by-laws, and the Chairman shall be ex-officio a member of such committee:

Local Boards of Direction.

(2.) The Board of Directors may from time to time appoint, at such place or places within or beyond the limits of Canada as may be necessary or expedient for the proper conduct of the business of the Company, Local Boards of Direction. The members of such Local Boards shall be known as Local Directors and shall possess such quali-



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fications and shall have such powers and duties as may be prescribed, conferred, fixed and appointed by the by-laws.

10. The Directors shall have full power to pass and enforce by-laws, rules, regulations and resolutions, and to alter, amend or repeal the same, as they deem necessary, for the purposes following, that is to say: For any of the purposes, matters, and things in this Act empowered or directed to be prescribed, fixed or appointed by the by-laws; the management of the Company; the acquisition, management and disposition of its share capital; the voting rights and powers of the shareholders; the right to vote by proxy, and the qualification of proxy holders; the declaration and payment of dividends out of the profits of the Company; the form and issuing of share certificates and the transfer of shares; the appointment and remuneration and removal of all officers, agents, clerks, workmen and servants of the Company; the rules to be observed by the officers and servants of the Company, and all persons using the lands, buildings, steamboats, modes of conveyance, appliances and property of the Company; and may also make rules and regulations for the maintenance of the Company's undertakings.

By-laws, rules and regulations.

11. The Company may purchase, hold, receive or acquire land or other property, and also alienate, sell or dispose of the same.

Acquisition, etc., of property.

12. The Company shall be entitled to borrow money on mortgage and bond, or either.

Borrowing powers.

13. The Company may acquire and carry out the said agreement of the 25th day of March, 1898, a copy whereof is set out in the Schedule to this Act, and all rights, franchises, privileges and corporate powers necessary or expedient to enable the Company to carry out the said agreement and every part thereof, and to avail itself of the rights, privileges and advantages thereof are hereby conferred upon it, and the generality of this provision is not to be deemed to be restricted by the specific mention of any of the powers, rights and privileges by this Act conferred, or to impair or derogate from the same; and upon the said agreement being assigned by the Contractors to the Company and upon the first meeting of the Company provided for in section 6 hereof being duly held, the contractors shall be relieved from personal liability under the said agreement, and the Company shall be thereafter deemed to be the party of the second part thereto in the place and stead of the contractors, and shall be bound as such party thereto and be entitled to the rights of such party thereunder.

The agreement of 25th March, 1898.

14. The Company shall have (in addition to all other powers by this Act and by the said agreement conferred) the powers following, that is to say:—

Additional powers.

- Steam and other vessels. (a.) To purchase, build, charter or otherwise acquire, equip, operate, maintain, sell and dispose of, navigate and work steamboats and steam or other vessels and ferries in and upon the waters of British Columbia, for such purposes as the Company may determine :
- Mines and mining. (b.) To locate, record, purchase, lease or otherwise acquire and operate mines, mining rights and mining interests, and to transport, crush, smelt reduce and amalgamate ores and minerals for itself and others :
- Wharves, etc. (c.) To construct, maintain and operate wharves, docks, landing places, dockyards, elevators, slips, piers, warehouses and buildings :
- Telegraph and telephone lines. (d.) To purchase, lease, erect, use, manage and operate lines of telegraph and telephone and also buildings, works, machinery and plant for the generation and transmission of electric light, heat and power, and for the generation and transmission of water-power, and to acquire, by purchase or otherwise, the right to use and to use and employ power procured, stored or generated by others at any point or points, and whether the same be in the form of electrical power, compressed air or otherwise :
- Freighters and passenger carriers. (e.) To carry on the business of carriers of freight and passengers by land and water for hire, forwarders and transportation agents and other business incident thereto, also of wharfingers, shippers and vessel owners, and to purchase, vend and generally deal in merchandise of all kinds, and ores and mineral products :
- Railways, tramways, stages, lines, etc. (f.) To procure, maintain and operate railways, tramways, stage coaches and stage lines and any other means for the carriage of passengers and freight by land ; and
- General powers in relation to above. (g.) For all or any of the purposes above mentioned to purchase, lease or otherwise acquire patent rights, letters patent and other property, real or personal, of any class or description, and to sell or otherwise dispose thereof.

Directors, qualification of. **15.** No person shall be eligible as a Director of the Company unless he is the owner and holder of at least one hundred shares in the capital stock of the Company and qualified to vote for Directors at the election at which he is chosen, but no Director shall be disqualified from being elected or holding office by reason of his being connected directly or indirectly with any other company, or on account of his receiving any pay or remuneration for attending to the affairs of the Company in any capacity.

Provision in by-laws as to qualification, etc., of Directors. **16.** The by-laws may make provision as to the qualification and disqualification of Directors and for the filling of vacancies in the

Board of Directors, and may prescribe the circumstances under which the office of a Director shall be vacated, and in particular may provide that the office of a Director may be vacated by the unanimous vote of the remaining members of the Board.

17. A promissory note or bill of exchange shall be deemed to have been made, accepted or indorsed on behalf of the Company if made, accepted or indorsed in the name of the Company by any person acting under the authority of the Company, or if made, accepted or indorsed by or on behalf or on account of the Company by any person acting under the authority of the Company : Promissory notes, etc.

(1.) The by-laws may provide and limit the mode in which promissory notes, bills of exchange and other commercial papers and securities may be made, indorsed, accepted and delivered on behalf of the Company.

18. The Company may from time to time, for advances of money, pledge any stock, debentures or bonds which under the powers of this Act can be issued for any of the purposes of the Company. Company may advance money on bonds, etc.

19. The Directors of the Company may from time to time raise and borrow, for the purposes of the Company, such sum or sums of money, upon such terms and in such manner as they may consider expedient, and may issue bonds or debentures of the Company in sums of not less than ten pounds sterling each, and on such terms and credit, and at such prices, as they may think proper, and may pledge or mortgage all the tolls, incomes, franchises, uncalled capital and property, both real and personal (whether then acquired or that may thereafter be acquired) of the Company, or any part thereof, for the repayment of the moneys so raised or borrowed, and the interest thereon, and any such mortgage deed may contain such description of the property, tolls, incomes, franchises, uncalled capital and property, real and personal (acquired or to be acquired), mortgaged by such deed, and may be made subject to and upon such conditions respecting the payment of the bonds or debentures secured thereby and of the interest thereon, and the remedies which shall be enjoyed by the holders of such bonds, or by any Trustee or Trustees for them, in default of such payment, and the enforcement of such remedies, and may provide for such forfeitures and penalties in default of such payment as may be approved by the Directors ; and may also contain, with the approval aforesaid, authority to the Trustee or Trustees upon such default, as one of such remedies, to take possession of the said property so mortgaged, and to hold and operate the same for the benefit of the bondholders thereof ; or to lease or sell the said property so mortgaged after such default, and upon such terms and conditions as may be stated in such deed ; and Borrowing powers.

in case of any such lease or sale, the lessee or purchaser shall have the right to exercise all the powers and franchises by this Act conferred upon the Company, and the said property may continue to be held and operated under the provisions of this Act, with the corporate name and powers of the Company ; and such lessee or purchaser shall have the same rights, powers, privileges and franchises, and shall stand in the same position, as regards the said tolls, incomes, franchises, powers, uncalled capital and property, real and personal, as the Company itself under this Act :

(1.) The bonds, debentures or other securities hereby authorised to be issued, shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchises, undertakings, tolls, incomes, rents and revenues, real and personal property thereof at the time acquired, save and except any charges existing thereon at the date of the issue of the securities, or at the date of such acquisition respectively ; and each holder of the said bonds, debentures and other securities shall be deemed to be a mortgagee or incumbrancer upon the said securities pro rata with all the other bondholders ; and no proceedings authorised by law or by this Act shall be taken to enforce payment of the said bonds, debentures, or other securities, or of the interest thereon, when any instrument securing the same is in the name of a trustee or trustees appointed by or under any mortgage or trust deeds, save through the trustee or trustees so appointed, or for the time being acting in the trusts thereof.

Calls. **20.** Calls upon unpaid shares may be made for such per centum upon the amount thereof as the Directors may determine.

Liability on shares. **21.** The shares in the capital stock of the Company shall be personal property. No shareholder of the Company shall in any manner be liable to or chargeable or charged with the payment of any debt or demand due by the Company or any sum beyond the amount unpaid on his subscribed shares in the capital stock of the Company.

Preference shares,
etc. **22.** The Directors of the Company may, with the sanction of a resolution of the Company previously given at any annual or special meeting of the Company, create and issue any part of the capital stock of the Company as preference shares, giving the same such preference and priority as respects dividends and otherwise over ordinary shares as may be declared by the resolution of the Company :

(a.) The resolution may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the Board of Directors, or may give them such other control over the affairs of the Company as may be considered expedient:

(b.) Holders of such preference shares shall be deemed to be shareholders in the Company, and shall in all respects possess the

rights and be subject to the liabilities of shareholders: Provided, however, that in respect of dividends and otherwise they shall, as against the original and ordinary shareholders, be entitled to the preference given pursuant to the resolution of the Company authorising the issue of such preference shares.

23. All preference shares, bonds, debentures, and other securities by this Act authorised, and coupons and interests warrant thereon, respectively, may be made payable to bearer, and shall in that case be transferable by delivery without regard to any equities between the holder or holders thereof and the Company. Shares, bonds, how payable, etc.

24. The Company shall have power to levy, sue for, recover, and receive tolls, fares and charges, and also to demand, collect and receive all charges subject to which goods or commodities may come into the possession of the Company, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Collection of charges.

25. The Company may make traffic or other arrangements with any corporation carrying on any similar class of business, or whose undertakings or works communicate with or are contiguous to any of the works or property of the Company, and may enter into, carry out, complete and fulfil any agreement with such corporation for selling, conveying or leasing to such corporation the undertaking, works, rights, property and assets of the Company, in whole or in part, or any rights or powers acquired hereunder, or for amalgamating with such corporation upon such terms and conditions as may be agreed upon: Traffic and other arrangements with other companies.

(1.) The Company may also enter into, fulfil, carry out and complete any agreement with any corporation or corporations for the purchase or lease of the undertaking, works, rights, property, real and personal, and assets of such corporation or corporations, in whole or in part, and may hold, carry out, operate and maintain any undertaking, works, rights, property and assets acquired by purchase or lease pursuant to the powers hereby conferred:

(2.) The powers of each and every of them by this section conferred upon the Company may also be exercised by the Directors.

26. Nothing in this Act contained shall be construed as giving the Company any exclusive powers in any portion of the Province in relation to the matters by this Act dealt with. No exclusive powers.

27. Nothing in any Act or Ordinance contained shall be deemed or taken to in anywise limit, affect or abridge the power of the Lieutenant-Governor in Council to deal with, grant, convey and assure to Power of Lieutenant-Governor to deal with lands in the Schedule.

the Company, or to the assigns of the Company, the lands in the said agreement set out in the Schedule to this Act mentioned, or any of them, in manner and upon the terms and conditions in and by this said agreement provided.

Copy of by-laws, scales, schedules, etc., to be deposited with the Provincial Secretary. **28.** A copy of every by-law, resolution, schedule, scale or proceeding of the Company fixing or determining the tolls, fare, rates, or charges to be made, levied and collected by the Company, shall within thirty days after the passing or making thereof be filed in the office of the Provincial Secretary, and every such matter aforesaid shall be subject to the approval of the Lieutenant-Governor in Council.

Underground wires. **29.** No Act of this Legislature requiring the Company in case efficient means are devised for carrying telegraph or telephone or electric wires underground, to adopt such means, and abrogating the right given by this Act to continue carrying lines on poles, shall be deemed an infringement of the privileges granted by this Act.

Chinese and Japanese. **30.** No Chinese or Japanese person shall be employed in the construction or operation of the undertaking, hereby authorised, under a penalty of five dollars per day, for each and every Chinese or Japanese person employed in contravention of this section, to be recovered on complaint of any person under the provisions of the "Summary Convictions Act."

Coming into force of Act. **31.** This Act shall come into force on a day to be fixed by Order in Council to be proclaimed by publication in the British Columbia Gazette, and on or before the day of such publication the Company shall pay to the Minister of Finance and Agriculture, for the use of the Province, the sum of seven hundred and fifty dollars.

Short title. **32.** This Act may be cited as the "Cariboo-Omineca Chartered Company Incorporation Act, 1898."

Schedule.

SCHEDULE.

Memorandum of Agreement made the 25th day of March, A. D. 1898, between Her Majesty the Queen in right of Her Province of British Columbia, herein represented by the Honourable John Herbert Turner, Premier, and the Honourable George Bohun Martin, Chief Commissioner of Lands and Works of the said Province, hereinafter called "the Government" of the first part, and Frank Owen, of No. 10, Great College Street, City of Westminster, London, S. W., England, Gentleman, and William John Stokes, of Nos. 54 and 55, London Wall, City of London, E. C., England, Merchant, hereinafter called "the Contractors" of the second part, witnesseth as follows:—

1. The contractors contract, promise and agree, as soon as may be Schedule. after the execution and confirmation of this agreement, to execute works of improvement necessary to render navigation possible, and when navigation is so rendered possible to establish and maintain during the season of navigation in the years 1898, 1899, 1900, regular steamboat communication between Quesnellemouth, Cariboo District, in the Province of British Columbia and North Tacla Lake, Omineca District, British Columbia, viâ the Fraser River, the Lower Nechaco River, the Stewart River, the Thatcher River and Lake and the Middle River; the means of communication employed to be fit and proper for the safe navigation of the waters to be traversed and to provide suitable accomodation for the carriage of freight and passengers; and the contractors further contract, promise and agree during the said seasons to undertake as common carriers the carriage of freight and passengers between the said points: Provided that if from any cause it be impossible to establish regular communication at the opening of the season of 1898, the contractors shall in the season of 1901 maintain such regular communication for a period equal to the period which elapses between the opening of the season of 1898 and the establishment of regular communication, and shall thereby be deemed to fully carry out and complete the conditions of this clause.

2. The contractors also contract, promise and agree to engage, equip, transport and maintain during the working portions of the years 1898, 1899 and 1900, corresponding as nearly as may be with the season of navigation, an exploring party for the exploration of the Omineca, Cassiar and Cariboo Districts of British Columbia, the said party to continuously and efficiently explore in one or all of the said Districts during the whole of each of the said seasons, and to keep proper and complete record of such exploration and of the results thereof, and to furnish copies of such record to the Government at the end of each such season.

3. The contractors also contract, promise and agree to examine and explore the North Fork of the Fraser River lying between Fort George and the Giscome Portage and ascertain the extent to which such portion of the river is navigable; and in the event of its being navigable, so soon as may be after such fact shall be ascertained, to establish steamboat communication between the said points of a class and character fit for the navigation of the waters to be traversed and providing suitable accomodation for the carriage of freight and passengers; to maintain such communication regularly during the portions of the said seasons of 1898, 1899 and 1900, which shall not have elapsed at the time such fitness for navigation as aforesaid shall have been ascertained; provided that if from any cause it be impossible to establish regular communication at the opening of the season of 1898, the con-

Schedule.

tractors or the Company shall in the season of 1901 maintain such regular communication for a period equal to the period which elapses between the opening of the season of 1898 and the establishment of regular communication; to carry freight and passengers as common carriers between the points in this clause above mentioned; and for the purpose of giving better effect to the provisions of this clause, to improve the said Giscome Portage so as to render the Portage better fitted for the transfer over it to the adjacent waterways of passengers and freight.

4. The Government shall submit to the Legislative Assembly of British Columbia at its present session a Bill for an Act of Incorporation for the purpose of confirming this agreement and authorising the Government and the contractors to perform and carry out the same, and also incorporating the contractors and such other persons as may become associated with them as shareholders into a corporation under the name of the "Cariboo-Omineca Chartered Company" (hereinafter referred to as "the Company"), with power to acquire, perform and carry out this agreement, and with all necessary provisions in that behalf.

5. The said Act of Incorporation also to confer upon the Company full and sufficient powers to hold, lease, purchase and otherwise acquire, and to sell, lease, mortgage and otherwise dispose of, and to maintain and operate steamboats, wharves, lands, buildings, pack trains, stage coaches and stage lines and any other means of communication and carriage by land; also to locate, record, hold, deal in and dispose of mines, mineral claims and mining and smelting operations, and to acquire and operate electric power and light plants, saw-mills and mills and factories for manufacturing purposes, and to carry on business as inn-keepers and general traders in merchandise of all kinds, together with all general powers incidental to the carrying out of all or any of the above objects and such other powers as may be necessary for the due operation and conduct of all business connected with and incidental to the acquiring, developing, reclaiming and disposing of the lands to be acquired by purchase from the Government as hereinafter provided.

6. In consideration of the due performance, carrying out and completion by the contractors and the Company of the agreements on the part of the contractors and the Company herein entered into with the Government, the Company shall have the right to purchase from the Government at the price of one dollar (1.00) per acre, situate at the option of the Company as to selection, in the Districts of Cariboo, Omineca and Cassiar, six tracts of land of an area of not less than three hundred and twenty (320) and not more than six hundred and forty (640) acres each situate on any part of the river or lakes

traversed by the lines of steamboat communication established by the Schedule contractors or the Company under this agreement, the said purchase to be carried out and completed upon and subject to the conditions hereinafter contained, that is to say :

7. The said six (6) tracts of land mentioned in clause 6 hereof, shall be selected so far as may be as to boundaries of tract in accordance with the provisions of the "Land Act" in that behalf, and shall be staked off in manner prescribed by that Act for the staking of lands prior to application to purchase, and notice of the selection and staking, together with a sketch plan of the land selected, shall be filed with the Chief Commissioner of Lands and Works at Victoria.

8. Forthwith upon execution of this agreement the contractors, and forthwith after the incorporation, the Company shall be entitled to proceed with the selection of the lands herein referred to, and this right of selection shall continue and exist until the contractors or the Company shall have selected the six blocks of not less than three hundred and twenty (320) and not more than six hundred and forty (640) acres each as aforesaid.

9. After selection the contractors or the Company shall procure the selected lands to be surveyed by a duly qualified land surveyor, and the plans and field-notes of such surveys shall be filed with the Chief Commissioner of Lands and Works at Victoria, together with the formal application for the purchase of the lands comprised in such survey, and upon such filing the application to purchase shall be deemed to be completed and the Company shall be entitled to obtain a Crown Grant to the lands so applied for.

10. The right of public passage and user along any of the waterways and highways traversed by the works of the contractors and the Company shall not be in any measure interrupted or impeded.

11. The grants from the Crown to the Company or to the contractors of the lands to be purchased from the Crown under this agreement, shall be in the form and shall contain the reservations provided by the "Land Act" in that behalf, but so that no royalty be reserved on any timber used by the contractors or the Company in the carrying out of their undertakings and works under this agreement.

12. The Company may, with the consent of the Chief Commissioner of Lands and Works, take from the Crown lands adjacent to or near the undertakings and works of the Company, or any of them, all stone, timber or gravel and other material which may be necessary or useful for the construction of the steamboats, buildings, undertakings and works of the Company, and also where necessary to enter and perform and construct works of improvement upon Crown lands.

Schedule.

13. This agreement shall be subject to the approval of the Legislative Assembly of British Columbia.

In witness whereof the Contractors have hereunto set their hands and seals, and this agreement hath been signed and delivered on behalf of the Government of British Columbia.

Signed, sealed and delivered by the Contractors in the presence of
R. T. ELLIOTT,
Victoria, B.C. } FRANK OWEN. [L.S.]
WILLIAM JOHN STOKES,
by FRANK OWEN,
his Attorney in fact.

Signed and delivered by the Honourable John Herbert Turner and the Honourable George B. Martin, in the presence of
J. H. TURNER, [L.S.]
GEO. B. MARTIN. [L.S.]
ARTHUR G. SMITH.

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